



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 16 2005

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED
Cert. No. 7003 2260 0005 1961 2084

In Reply Refer To:
EPA OCR File No. 01R-03-R10r

Ted H. Gathe, City Attorney
City of Vancouver
City Hall
210 East 13th Street
Vancouver, Washington 98668-1995

Re: Retaliation complaint against the City of Vancouver, Washington

Dear Mr. Gathe:

The purpose of this letter is to notify the City of Vancouver that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) has received, and will investigate, a retaliation complaint filed against the City of Vancouver by the Rosemere Neighborhood Association (RNA). The complaint alleges that the City of Vancouver has retaliated against the RNA because the RNA filed an earlier administrative complaint with EPA, pursuant to EPA's regulations at 40 C.F.R. Part 7, alleging unlawful discrimination by the City of Vancouver. A copy of the retaliation complaint, in two letters dated December 13, 2003, and January 15, 2004, is enclosed.

The earlier discrimination complaint was received by OCR in February 2003, but rejected by OCR on jurisdictional grounds in May 2003. EPA's nondiscrimination regulations, nonetheless, provide, "No applicant, recipient, nor other person shall intimidate, threaten, coerce, or discriminate against any individual or group" for, among other things, filing a complaint pursuant to Part 7. 40 C.F.R. § 7.100. To be accepted for investigation, a retaliation complaint must meet the jurisdictional criteria established in EPA's Title VI regulations at 40 C.F.R. Part 7. First, the complaint must be in writing. Second, it must describe an alleged discriminatory act prohibited by the regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, handicap, or sex). Third, it must be filed within 180 days of the alleged discriminatory act. This retaliation complaint meets the jurisdictional requirements for acceptance.

According to the complaint, the City of Vancouver allegedly began to retaliate against the RNA on March 10, 2003, just four days after the RNA publicly announced that it had filed a discrimination complaint with EPA against the City of Vancouver. Based on the information submitted in the RNA's January 15, 2004, letter to OCR and information that OCR received in a

civil claim that was filed on July 1, 2005, the RNA alleges that the retaliation culminated when the City Council revoked the RNA's status as an officially recognized neighborhood association in January 2004. OCR finds that the complaint has described an act that violates Part 7 because RNA has alleged that it engaged in prior protected activity, the City knew of its prior protected activity, and the City took adverse action against the RNA because of the prior protected activity.

OCR requests that the City of Vancouver provide OCR with a written response to the complaint within 30 days of receiving this notice. In addition, please provide the criteria used to determine whether a community should be considered an officially recognized neighborhood association, as well as the criteria used to determine when that status should be revoked. OCR is also interested in the benefits attached to designation as an officially recognized neighborhood association. OCR may contact City officials, as well as others, during the course of the investigation for further information, and may, with appropriate notice, conduct an onsite visit.

If you have any questions, please contact Mike Mattheisen in OCR by telephone at (202) 343-9678, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Ave., NW, Washington, D.C., 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

encls. a/s

cc: Stephen G. Pressman, Associate General Counsel
Civil Rights Law Office (2399A)

Melanie Wood
EPA Region 10

Christopher Winter, Esq.
Cascade Resources Advocacy Group
917 SW Oak, Suite 417
Portland, Oregon 97205